MINUTES
November 09, 2021

BOARD OF APPEALS HEARING
9:00 a.m.

1. CALL TO ORDER

Chairperson Arthur Pauly, Jr. called the meeting to order at 9:03 a.m.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:
Basil Deem
Deanna Erdman
Arthur Pauly, Jr.

The following Staff members were present:

Joseph Speaker	Assistant City Attorney
My Tien Doan	Deputy City Attorney
Lynda Risucci	Legal Clerk
Kelly Aye	Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the November 09, 2021 hearing was Arthur Pauly, Jr.

4. PLEDGE OF ALLEGIANCE

Chairperson Arthur Pauly, Jr. led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Chairperson Arthur Pauly, Jr. administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No. 21075
Appellant: Dennis Hendrickson
• Roseville Municipal Code Section 7.12.010, Animal at Large
• Roseville Municipal Code Section 7.12.050, Aggressive Behavior
• Roseville Municipal Code Section 7.16.010, Failure to License

A. Staff Report:

Animal Control Officer Sarah Severns offered testimony in regard to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:
• Staff Report including case history and narrative.

Complainant's Statement:

Complainant Dennis Drinnen presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:
• Application and Order for Appearance and Examination filed by Dennis Drinnen with the Placer County Superior Court and against Dennis Hendrickson.

B. Appellant's Response:

Exhibit C:
(Appellant's Exhibit C was provided to the panel in advance of the hearing for review.)
• Request for Hearing form, received by the Roseville City Attorney's Office on June 18, 2021.

Appellant Dennis Hendrickson offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Dennis Drinnen offered rebuttal testimony and answered panel questions.

Dennis Hendrickson offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 21075.

In regard to the violations of Roseville Municipal Code Sections 7.12.010, Animal at Large, 7.12.050, Aggressive Behavior, and 7.16.010, Failure to License, a motion was made by Basil Deem and seconded by Deanna Erdman to deny the appeal and uphold the charges because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Basil Deem, Deanna Erdman, Arthur Pauly, Jr.

NOES: None

E. Panel Decision:

In regard to the violations of Roseville Municipal Code Sections 7.12.010, Animal at Large, 7.12.050, Aggressive Behavior, and 7.16.010, Failure to License, the panel decided to deny the appeal and uphold the charges because the City/Complainant proved by a preponderance of the evidence that the violations occurred and that the appellant is the responsible party.

Chairperson Arthur Pauly, Jr. signed the decision form and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

7.2. Citation No. 14688

Appellant: Macaela Carnes

- Roseville Municipal Code Section 7.12.010, Animal at Large
- Roseville Municipal Code Section 7.12.050, Aggressive Behavior
- Roseville Municipal Code Section 7.16.010, Failure to License

At 9:15 a.m., the Complainant was not present. According to the Administrative Standards, if the Complainant fails to appear for the hearing within 15 minutes after the hearing commences, the responsible party's appeal will be automatically granted.

Assistant City Attorney, Joseph Speaker, explained to the Board that, pursuant to the meeting procedures and the Municipal Code, the charges related to the complaining Party's complaint are automatically denied and the appeal granted, due to the complainant's failure to appear at the hearing. However, the violation of Roseville Municipal Code Section 7.16.010, Failure to License, still stands on behalf of the City.

A. Panel Decision:

In regard to Roseville Municipal Code Section 7.12.010, Animal at Large, a motion was made by Deanna Erdman and seconded by Basil Deem to grant the appeal and dismiss the charge because the complainant failed to appear.

The motion passed with the following vote:

AYES: Basil Deem, Deanna Erdman, Arthur Pauly, Jr.

NOES: None

In regard to Roseville Municipal Code Section 7.12.050, Aggressive Behavior, a motion was made by Deanna Erdman and seconded by Basil Deem to grant the appeal and dismiss the charge because the complainant failed to appear.

The motion passed with the following vote:

AYES: Basil Deem, Deanna Erdman, Arthur Pauly, Jr.

NOES: None

As to the charge of Roseville Municipal Code Section 7.16.010, Failure to License:

A. Staff Report:

Animal Control Officer Sarah Severns offered testimony in regard to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:
• Staff Report including case history and narrative

B. Appellant's Response:

Exhibit B:
(Appellant's Exhibit B was provided to the panel in advance of the hearing for review.)
• Request for Hearing form, received by the Roseville City Attorney's Office on September 09, 2021.

Appellant Macaela Carnes offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

No rebuttal testimony was offered.

D. Panel Discussion:

In regard to Roseville Municipal Code Section 7.16.010, Failure to License, a motion was made by Basil Deem and seconded by Deanna Erdman to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Basil Deem, Deanna Erdman, Arthur Pauly, Jr.

NOES: None

E. Panel Decision:

Regarding Roseville Municipal Code Section 7.16.010, Failure to License, the panel decided to deny the appeal and uphold the charge because the City proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Chairperson Arthur Pauly, Jr. signed the decision form and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

8. ADJOURNMENT

A motion was made by Basil Deem and seconded by Deanna Erdman to adjourn the hearing.

AYES: Basil Deem, Deanna Erdman, Arthur Pauly, Jr.

NOES: None

Chairperson Arthur Pauly, Jr. adjourned the November 09, 2021 hearing at 9:44 a.m.

Lynda Risucci
Legal Clerk